

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

By means of the present amendment, claims 9 and 14 have been amended to correct typographical errors.

In the Office Action, claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,600,902 B1 (Bell) in view of U.S. Patent Number 5,367,558 (Gillig).

It is respectfully submitted that Bell is available as prior art with regard to the present application only under 35 U.S.C. §102(e), and is not available as prior art under §103(a) for the following reasons.

The present application was filed June 2, 2000, and thus has the benefit of the November 29, 1999, changes to 35 U.S.C. §103(c). Under 35 U.S.C. §103(c), (emphasis added) "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an

obligation of assignment to the same person."


The subject matter of Bell and the claimed invention are and were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Since, Bell has an issue date of July 29, 2003, Bell is available as prior art with regard to the present application only under 35 U.S.C. §102(e). Accordingly, It is respectfully submitted that Bell is not available as prior art under §103(a). Further, it is respectfully submitted that next Office Action should not be Final.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

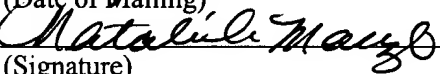
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Respectfully submitted,

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May 19, 2004

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